

FILED

JUN 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT L. JARRETT, JR.,

Plaintiff - Appellant,

v.

ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA; et al.,

Defendants - Appellees.

Nos. 03-55774

03-55983

D.C. No. CV-03-02311-CBM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, Chief Judge, Presiding

Submitted June 12, 2006^{**}

Before: WALLACE, KLEINFELD and BERZON, Circuit Judges.

In these consolidated appeals, Robert L. Jarrett, Jr. appeals pro se from the district court's orders denying his applications to proceed in forma pauperis

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

(“IFP”) in his 42 U.S.C. § 1983 actions. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990), and we affirm.

The district court did not abuse its discretion by denying Jarrett’s applications for IFP on the ground that his complaint was “legally and/or factually patently frivolous” and failed to state a cognizable claim. *See id.* at 617 (upholding district court’s denial of in forma pauperis status upon its determination that the case is frivolous or lacks merit).

There is no merit to Jarrett’s contention that the magistrate judge lacked authority to deny his motion for IFP, because the order was entered by the district court upon the recommendation of the magistrate judge. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 n.1 (9th Cir. 1998).

Jarrett’s remaining contentions are without merit.

AFFIRMED.